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10 Attorneys for ORACLE CORPORATION,  
11 CLIFFORD CHANCE LLP, DANIEL HARRIS  
12 and RONALD ALEPIN

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 *In re*

18 Application of  
19 MICROSOFT CORPORATION,  
20 Applicant,

Case No. 06-80038 JF (PVT)

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**DECLARATION OF CHRISTOPHER S.  
YATES IN SUPPORT OF ORACLE  
CORPORATION, CLIFFORD CHANCE  
LLP, DANIEL HARRIS AND RONALD  
ALEPIN'S MOTION TO QUASH  
MICROSOFT CORPORATION'S  
SUBPOENAS**

Date: To be set  
Time: To be set  
Place: To be set  
Before: Magistrate Judge Patricia V. Trumbull

1                   Christopher S. Yates declares and says:

2                   1. I am a member of the bar of the State of California, and a partner with the  
 3 law firm of Latham & Watkins LLP, counsel for Oracle Corporation, Daniel Harris, Ronald  
 4 Alepin, and Clifford Chance LLP in this matter. I have personal knowledge of the facts set forth  
 5 below and, if called upon to do so, I could and would testify competently thereto.

6                   2. Attached as Exhibit 1 is a true and correct copy of a letter dated March 13,  
 7 2006 from Mr. Philip Lowe, Director General of Competition of the European Commission to  
 8 Mr. Thomas Vinje of Clifford Chance LLP.

9                   3. Attached as Exhibit 2 is a true and correct copy of excerpts of  
 10 “Commission Decision relating to a proceeding under Article 82 of the EC Treaty, Case  
 11 COMP/C-3/37.792 Microsoft,” dated March 24, 2004. The entire 301 page Commission  
 12 Decision is available on the website of the European Commission:

13 <http://europa.eu.int/comm/competition/antitrust/cases/decisions/37792/en.pdf>

14                   4. Attached as Exhibit 3 is a true and correct copy of a press release dated  
 15 December 22, 2005 printed from the website of the European Commission entitled  
 16 “Competition: Statement of Objections to Microsoft for non-compliance with March 2004  
 17 decision – frequently asked questions.”

18                   5. Attached as Exhibit 4 is a true and correct copy of a press release dated  
 19 June 6, 2005 printed from the website of the European Commission entitled “Competition:  
 20 Commission to market test new proposals from Microsoft on interoperability.

21                   6. Attached as Exhibit 5 is a true and correct copy of a press release dated  
 22 March 10, 2006 printed from the website of the European Commission entitled “Competition:  
 23 Commission publishes information on the role of the Monitoring Trustee in the Microsoft case.”

24                   7. Attached as Exhibit 6 is a true and correct copy of a press release dated  
 25 February 15, 2006 printed from the website of the European Committee For Interoperable  
 26 Systems entitled “Microsoft: Last Chance to Comply With European Commission Anti-Trust  
 27 Ruling.”

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1               8. Attached as Exhibit 7 is a true and correct copy of a press release dated  
 2 December 22, 2005 printed from the website of the European Commission entitled  
 3 "Competition: Commission warns Microsoft of daily penalty for failure to comply with 2004  
 4 decision."

5               9. Attached as Exhibit 8 is a true and correct copy of "Supplemental  
 6 Response of Microsoft Corporation to the Statement of Objections by the European Commission  
 7 Dated 21 December 2005."

8               10. Attached as Exhibit 9 is a true and correct copy of an article dated March  
 9 3, 2006 entitled "Microsoft Accuses Brussels of Colluding with Rivals," from *The Financial*  
 10 *Times*.

11              11. Attached as Exhibit 10 is a true and correct copy of Microsoft's subpoena  
 12 to Oracle Corporation issued March 8, 2006. Oracle Corporation served objections to  
 13 Microsoft's subpoena on March 13, 2006; attached as Exhibit 11 is a true and correct copy of  
 14 Oracle Corporation's objections to Microsoft's subpoena.

15              12. Attached as Exhibit 12 is a true and correct copy of Microsoft's subpoena  
 16 to Daniel Harris issued March 7, 2006. Daniel Harris served objections to Microsoft's subpoena  
 17 on March 13, 2006; attached as Exhibit 13 is a true and correct copy of Daniel Harris' objections  
 18 to Microsoft's subpoena.

19              13. Attached as Exhibit 14 is a true and correct copy of Microsoft's subpoena  
 20 to Ronald Alepin issued March 7, 2006. Ronald Alepin served objections to Microsoft's  
 21 subpoena on March 13, 2006; attached as Exhibit 15 is a true and correct copy of Ronald  
 22 Alepin's objections to Microsoft's subpoena.

23              14. Attached as Exhibit 16 is a true and correct copy of Microsoft's subpoena  
 24 to Clifford Chance LLP issued March 7, 2006. Clifford Chance LLP served objections to  
 25 Microsoft's subpoena on March 13, 2006; attached as Exhibit 17 is a true and correct copy of  
 26 Clifford Chance LLP's objections to Microsoft's subpoena.

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1               15. Attached as Exhibit 18 is a true and correct copy of an article dated March  
2 3, 2006 entitled "Microsoft Seeks Sun, IBM, Oracle, Novell Documents," from Bloomberg  
3 News Service.

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5               I executed this declaration on this 15<sup>th</sup> day of March, 2006 at San Francisco,  
6 California.

7               I declare under penalty of perjury under the laws of the United States of America  
8 that the foregoing is true and correct.

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11               CHRISTOPHER S. YATES

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